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**From:** Micheal D. Lake

**Total Number of Pages** 32 (including this cover sheet)

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**REMARKS:**

*Dear Examiner,*

*In preparation of tomorrow's scheduled telephone interview (October 3, 2008) at 10:00am (CST), attached are copies of relevant correspondences with Examiner Zimmerman, who was the examiner at the time in this application (Serial No. 10/807,936) as well as closely related application Serial No. 10/807,935.*

*Sincerely,*

*Micheal D. Lake*

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**Jenelle L. Melket**

**From:** Micheal D. Lake  
**Sent:** Wednesday, July 25, 2007 7:31 PM  
**To:** brian.zimmerman@uspto.gov  
**Subject:** Re: Interview on U.S. App. Nos. 10/807, 935 and 10/807,936  
**Attachments:** MET Examiner letter.pdf

Dear Examiner Zimmerman:

Per our discussion on July 24, 2007, regarding the above-identified applications – please see the attached follow-up letter.

KIND REGARDS,

MICHEAL D. LAKE, ESQ.  
FACTOR & LAKE LTD.  
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July 25, 2007

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Direct Email: [mlake@factor-lake.com](mailto:mlake@factor-lake.com)

VIA EMAIL [Brianzimmerman@uspto.gov](mailto:Brianzimmerman@uspto.gov)  
[Scotteau@uspto.gov](mailto:Scotteau@uspto.gov)

Examiner Brian Zimmerman, Art Unit 2612  
Examiner Scott Au  
U.S. Patent and Trademark Office

Re: July 24, 2007, Examiner Interview After Appeal  
Of U.S. Pat App. Nos. 10/807935 and 10/807.936

Dear Sirs:

Applicant, its representative Mr. Denison, and the undersigned counsel for Applicant, wish to thank both Examiners Zimmerman and Au for the courtesies extended in the telephonic interview on July 24, 2007. The undersigned also wishes to apologize again for confusing the time of the interview and appreciates both Examiners adjusting their schedules to accommodate the mistake.

1. Procedure

Both of the above-identified applications are on appeal, fully briefed. The '935 application has been submitted to a judge and has been assigned Appeal No. 2007-0958.

Due to the recognition of allowable subject matter in both applications, it was agreed that a notice of allowance would be entered for claims having allowable subject matter, while an examiner's amendment would also be entered amending the necessary dependencies and cancelling all rejected (versus 'objected to") claims. The examiner's amendment would also include an amendment to two claims (identified below) to clarify

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their patentability. Prosecution on the application would remain closed. The Board of Patent Appeals and Interferences would be notified of this resolution of the appeals.

2. Allowable Subject Matter

Claims 22, 24, 32, 33, 41 and 42 of the '935 Application were indicated as allowable in the Examiner's Answer filed in the appeal:

Claims 33, 35-37, 42-44, 46, 51, 53-55, 60, and 62-64 of the '936 Application were indicated as allowable in the Examiner's Answer filed in the appeal, as well as in Examiner Zimmerman's final office action.

Additionally, the subject matter of the following claims was discussed and it was determined that the claims distinguished over the art of record and their allowance was consistent with other allowable dependant claims. The claims and the subject matter discussed are as follows:

**'935 Application** -- claim 25 (low battery detection, with disabling during second time period) claim 26 (two non-zero power levels) and claim 28 (serial number); and,

**'936 Application** -- claim 31 (key pad) claim 32 (program key) and, claim 34 (two non-zero power levels).

3. Clarifying Amendments

The following amendments to two of the above-discussed claims were agreed upon in principle but the amendments are submitted below for Examiners' review:

**Claim 25 of the '935 Application:**

25. The method of claim 1 further comprising the steps of ~~periodically~~ enabling a low-battery detection circuit for measuring a battery voltage during a first time period and disabling ~~the~~ a low-battery detection circuit during a second time period for measuring a battery voltage.

**Claim 34 of the '936 Application:**

34. The device of claim 1 wherein the electromechanical driver has a first state and a second state, the driver output signal providing a lower ~~higher~~ non-zero power output in the second ~~first~~ state than in the first ~~second~~ state, and a timer for triggering a transition from the first state to the second state.

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4. Claims Dependent Upon The Allowed Claims

Applicant assumes that claims which depend from the above-identified (discussed) claims will also be indicated as allowable in the notice of allowance.

5. Other Dependant Claims Having The Discussed Allowable Subject Matter.

Again with apologies to you Examiners Zimmerman and Au for having to change your schedules for the interview, it is noted by Applicant that based upon the shortness of time caused by this adjustment, and to be more efficient in general, Mr. Denison presented his points of view by way of novel subject matter and representative claims versus all claims having that subject matter. Mr. Denison pointed out that the prior art provided no disclosure of the discussed subject matter (identified in parts 2 and 3 above).

In view of this, Applicant notes that the same subject matter as discussed and noted above – is included in the following claims which Applicant believes would be allowable on the same grounds:

**'935 Application:** claims 35 and 44 (two non-zero power levels) claims 37, 38, 46, and 47 (serial number) and claims 34, and 43 (low battery detection circuit); and,

**'936 Application:** claims 40, 49, and 58 (key pad); claims 41, 50, and 59 (program key); and, claims 43, 52, and 61 (2 non-zero power levels).

Applicant respectfully asks that these claims also be considered as allowable without re-opening prosecution.

Again, Applicant, Mr. Denison, and I, thank you both for your time, patience and courtesy.

Respectfully submitted,



Micheal D. Lake  
Atty. Reg. No. 33727

**Jenelle L. Melket**

MEI-041424 C074

**From:** Micheal D. Lake  
**Sent:** Monday, July 30, 2007 12:43 PM  
**To:** brian.zimmerman@uspto.gov  
**Cc:** Jenelle L. Melket  
**Subject:** AN. 10/807,935\_807,936  
**Attachments:** -'936 CLAIM AMENDMENTS.doc; -'935 CLAIM AMENDMENTS.doc

Dear Examiner Zimmerman:

Please see attached per our discussion. Please call me or Ms. Melket if you have any questions, including formatting.

KIND REGARDS,

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